

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MEGAVAIL, INC., an Oregon corporation;  
PABLO SAFRONCHIK; TIM LINSTROM;  
PAUL HAUER; and NEAL SCHNOG,

Plaintiff,

ORDER

v.

Civil No. 05-1374-AS

ILLINOIS UNION INSURANCE CO., and  
Illinois corporation,

Defendant.

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HAGGERTY, Chief Judge:

Magistrate Judge Ashmanskas referred to this court a Findings and Recommendation in this action [85]. The Findings and Recommendation recommends that plaintiffs' Motion for Partial Summary Judgment [58] be granted in part and denied in part.

The matter is now before this court pursuant to 28 U.S.C. § 636(b)(1)(B). *See also* Fed. R. Civ. P. 72(b). When no timely objection is filed, the court need only satisfy itself that there is

no clear error on the face of the record in order to accept the recommendation of the Magistrate.

*Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974).

This court has examined the pending motion and the underlying record. No clear error appears on the face of the record. The Findings and Recommendation is, therefore, adopted. Plaintiffs' Motion for Partial Summary Judgment [58] is granted in part, and denied in part as follows: plaintiffs' request for attorney fees in the amount of \$123,323.97 is GRANTED; plaintiffs' request for in-house costs in the amount of \$35,217.06 is DENIED with leave to renew; plaintiffs' request for settlement costs in the amount of \$250,000 is DENIED; and plaintiffs' request for attorney fees and costs pursuant to O.R.S. 742.061 is GRANTED, with defendant granted leave to challenge the amount requested.

IT IS SO ORDERED.

DATED this 1<sup>st</sup> day of November, 2007.

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/s/Ancer L. Haggerty

Ancer L. Haggerty  
United States District Judge